

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**BRANDON CALLIER,
Plaintiff,**

v.

**STUDENT LOAN DOC, A
NEVADA CORPORATION,
JOSHUA A. RYAN, JOHN
DOES 1-4, ALEXANDER
BYKHOVOSKY, and ALEX
GOLD HOLDINGS, LLC,
Defendants.**

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EP-20-CV-265-PRM

**ORDER DISMISSING DEFENDANT STUDENT LOAN DOC, A
NEVADA CORPORATION**

On this day, the Court *sua sponte* considered the above-captioned cause. For the reasons provided herein, the Court will dismiss Defendant Student Loan Doc, a Nevada Corporation from the cause.

On October 22, 2020, Plaintiff David Callier [hereinafter “Plaintiff”] filed his “Original Complaint” (ECF No. 1) [hereinafter “Complaint”]. On that same day, Plaintiff issued summons as to Defendant Student Loan Doc, a Nevada Corporation [hereinafter “Defendant Student Loan Doc”]; the summons was executed on

November 23, 2020. Summons in a Civil Action, Oct. 22, 2020, ECF No. 3; Summons in a Civil Action, Nov. 23, 2020, ECF No. 4.

On December 30, 2020, the Court *sua sponte* considered the cause and determined that Defendant Student Loan Doc had failed to answer or otherwise respond to Plaintiff's Complaint as required by Federal Rule of Civil Procedure 12(a)(1)(A)(i). Consequently, the Court entered an Order (ECF No. 8) on December 30, 2020 requiring Plaintiff to "promptly request an entry of default from the clerk of court, or otherwise take the proper steps to dismiss or settle the above-captioned cause, with regard to Defendant Student Loan Doc only," by no later than January 12, 2020. Order 2; *see* Fed. R. Civ. P. 55.

However, to date, Plaintiff has not filed any request for entry of default. Therefore, the Court is of the opinion that Defendant Student Loan Doc should be dismissed from this cause, given Plaintiff's indifference to prosecution of his claim.

Accordingly, **IT IS ORDERED** that the all claims against Defendant Student Loan Doc, a Nevada Corporation in the above-captioned cause are **DISMISSED WITHOUT PREJUDICE**.¹

IT IS FURTHER ORDERED that all settings in this matter are **VACATED** as to Defendant Student Loan Doc, a Nevada Corporation.

IT IS FURTHER ORDERED that all pending motions in this cause, if any, are **DENIED AS MOOT** as to Defendant Student Loan Doc, a Nevada Corporation.

SIGNED this **26th** day of **January, 2021**.



PHILIP R. MARTINEZ
UNITED STATES DISTRICT JUDGE

¹ This Order shall have no effect on the claims brought against Defendant Joshua A. Ryan, John Does 1 – 4, Alexander Bykhovsky, and Alex Gold Holdings, LLC.